

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 18<sup>th</sup> day of January, 2010 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor  
Jay Attaway, Mayor Pro Tempore  
Vickie Abrego, Council Member  
Phillip Hyatt, Council Member  
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE  
PERSONNEL PRESENT: Reggie Winters, City Manager  
Allen Lawrence, City Attorney  
Ada Owens, City Secretary

ADMINISTRATIVE  
PERSONNEL ABSENT:

STAFF PRESENT: Paul Alvarado, Public Works Director

OTHERS PRESENT: Lu & Ralph Arcemont, Sandy Kubeck, D.C. Carr, Don & Jeannie Brummett, Jim & Alpha Covington, George & Janell Havelka, Irene Irey, Rosemary Vega/Chamber of Commerce, Hope Comingore, Marilyn Rimer/Herald Newspaper, Phil & Nell Reynold, Michael Carey/Progress Newspaper, David Underbrink/Naismith Engineering, Tom Doran, Jennifer Thomas

*There may have been others present who did not sign in.*

**ITEM 1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 p.m. on January 18, 2010.

**ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

**ITEM 3. CONSIDER AND ACT ON APPROVING THE MINUTES OF JANUARY 4, 2010.**

Council Member Mayer made the motion to approve the minutes of January 4, 2010. Mayor Pro Tem Attaway seconded the motion and the motion carried unanimously.

**ITEM 4. PRESENTATION OF PROCLAMATION FOR CRIME STOPPERS MONTH.**

Mayor Knight read and presented the Proclamation to George Havelka, President of the Tri County Crime Stoppers with Janell Havelka and Irene Irey, Directors of Tri County Crime Stoppers present.

**ITEM 5. CONSIDER AND ACT ON APPOINTING A CRIME CONTROL & PREVENTION DISTRICT BOARD MEMBER.**

Mayor Knight recommended Douglas Carr for appointment to the Crime Control & Prevention District Board.

After discussion, Council member Hyatt made the motion to appoint Douglas Carr to the Crime Control & Prevention District Board. Mayor Pro Tem Attaway seconded the motion and the motion carried unanimously.

**ITEM 6. PUBLIC HEARING ON THE REQUEST OF ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT TO CLOSE THE 7<sup>TH</sup> STREET RIGHT-OF-WAY BETWEEN LOTT AVENUE AND WHEELER AVENUE AND 25 FEET OF THE SOUTHERN PORTION OF THE LOTT AVENUE RIGHT-OF-WAY BETWEEN 7<sup>TH</sup> STREET AND THE 20' ACCESS EASEMENT THAT LIES BETWEEN 7<sup>TH</sup> STREET AND 8<sup>TH</sup> STREET.**

City Attorney Allen Lawrence opened the Public Hearing at 7:05 on the request of Aransas Pass Municipal Development District (APMDD) to close the 7<sup>th</sup> Street right-of-way between Lott Avenue and Wheeler Avenue and 25 feet of the southern portion of the Lott avenue right-of-way between 7<sup>th</sup> Street and the 20' access easement that lies between 7<sup>th</sup> Street and 8<sup>th</sup> Street. He stated all notices were given and posted. He asked David Underbrink with Naismith Engineering, representing the APMDD to forward to speak for the street closing.

Mr. Underbrink gave details on closing a portion of 7<sup>th</sup> Street so the APMDD could build a parking lot for the Civic Center.

Mayor Pro Tem Attaway asked Mr. Underbrink would the City retain the utility access on the property?

Mr. Underbrink stated yes, but he did not think there were utilities on the property. He stated the property would remain public property and would allow the APMDD to create a parking lot, so it was not a thoroughfare.

The City Attorney stated he would advise the Council, if the Council was going to close the street, that it be closed to vehicular traffic and maintain the utility easements in the area for utility purposes. He asked were there any other comments?

Council Member Hyatt stated he had a problem with closing the portion of 7<sup>th</sup> Street. He gave a report on his observations of increased response time for the police department if that portion of 7<sup>th</sup> Street was closed. He stated permanently closing the street was not wise.

Mayor Pro Tem Attaway asked even though the street would be closed, if there is not an event (at the Civic Center) would cars still be able to drive across the parking lot to get to Wheeler Avenue?

Council Member Hyatt stated he and his neighbors use that portion of 7<sup>th</sup> Street on a daily basis.

Mr. Underbrink stated for the Civic Center, the street would be reconfigured as a parking lot, but there would be aisles that could be traversed in a car, but that would not be the best for an emergency.

Discussion was held regarding barricading the street for parking, number of Police vehicles, driving through parking lot being dangerous, need for barricades that slow traffic in the parking lot.

The City Attorney asked were there any more comments? Seeing none he closed the public hearing at 7:15 p.m.

ITEM 7.

**CONSIDER AND ACT ON THE REQUEST OF ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT TO CLOSE THE 7<sup>TH</sup> STREET RIGHT-OF-WAY BETWEEN LOTT AVENUE AND WHEELER AVENUE AND 25 FEET OF THE SOUTHERN PORTION OF THE LOTT AVENUE RIGHT-OF-WAY BETWEEN 7<sup>TH</sup> STREET AND THE 20' ACCESS EASEMENT THAT LIES BETWEEN 7<sup>TH</sup> STREET AND 8<sup>TH</sup> STREET.**

Council Member Abrego made the motion to approve the request of Aransas Pass Municipal Development District (APMDD) to close the 7<sup>th</sup> Street right-of-way between Lott Avenue and Wheeler Avenue and 25 feet of the southern portion of the Lott avenue right-of-way between 7<sup>th</sup> Street and the 20' access easement that lies between 7<sup>th</sup> Street and 8<sup>th</sup> Street and retain all utility easements. Council Member Mayer seconded the motion and the motion carried with Mayor Knight, Mayor Pro Tem Attaway, Council Member Abrego, Council Member Mayer voting yes and Council Member Hyatt voting no.

ITEM 8.

**PUBLIC HEARING ON THE REQUEST OF PROPERTY OWNERS TO CLOSE THE 20' ALLEY BETWEEN GILE AVENUE AND HAZLETT AVENUE.**

City Attorney Allen Lawrence opened the Public Hearing at 7:16 on the request of property owners to close the 20' alley between Gile Avenue and Hazlett Avenue. He stated all notices were given and posted. He asked were any of the property owners present? There were none present. He stated the property owners had submitted petitions to close the alleyway. He confirmed with Public Works Director Paul Alvarado that there were no public utilities in the alleyway. He asked was there anyone present opposed to the request?

There was a question from the audience regarding emergency use of the alleyway, to which Mayor Knight stated there was no alley, it was never opened.

Hearing no other questions the City Attorney closed the public hearing at 7:19 p.m.

**ITEM 9. CONSIDER AND ACT ON THE REQUEST OF PROPERTY OWNERS TO CLOSE THE 20' ALLEY BETWEEN GILE AVENUE AND HAZLETT AVENUE.**

Mayor Pro Tem Attaway made the motion to approve the request of property owners to close the 20' alley between Gile Avenue and Hazlett Avenue. Council Member Hyatt seconded the motion and the motion carried unanimously.

**ITEM 10. CONSIDER AND ACT ON APPROVING A CONTRACT AND INTERLOCAL AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND SAN PATRICIO COUNTY FOR SANITATION SERVICES.**

After instruction from the City Attorney that Item 10 and Item 11 could be considered with one vote, Mayor Pro Tem Attaway made the motion to approve a contract and Interlocal agreement between the City of Aransas Pass and San Patricio County for sanitation services and approve an agreement between the City of Aransas Pass and San Patricio County for health related services.

**ITEM 11. CONSIDER AND ACT ON APPROVING AN AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND SAN PATRICIO COUNTY FOR HEALTH RELATED SERVICES.**

Approved under Item 10.

**ITEM 12. CONSIDER AND ACT ON APPROVING A JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES BETWEEN THE CITY OF ARANSAS PASS AND SAN PATRICIO COUNTY FOR THE MAY 8, 2010 ELECTION.**

Mayor Pro Tem Attaway made the motion to approve a Joint Election Agreement and Contract for Election Services between the City of Aransas Pass and San Patricio County for the May 8, 2010 election. Council Member Mayer seconded the motion and the motion carried unanimously.

**ITEM 13. CONSIDER AND ACT ON CALLING AND APPROVING ORDER OF THE GENERAL ELECTION FOR THE CITY OF ARANSAS PASS TO ELECT COUNCIL MEMBER PLACE 2 AND COUNCIL MEMBER PLACE 4.**

*Considere y Actúe sobre el Llamamiento y Aprobar que Orden de la Elección General/Especial para la Ciudad del Paso de Aransas para elegir Lugar de Miembro de Concilio 2 y Lugar de Miembro de Concilio 4.*

Council Member Mayer made the motion to Call and Approve the Order of the General Election for the City of Aransas Pass to elect Council Member Place 2 and Council Member Place 4. Mayor Pro Tem Attaway seconded the motion and the motion carried unanimously.

*El Miembro del concilio Mayer hizo el movimiento para Llamar y Aprobar la Orden de la Elección general para la Ciudad del Paso de Aransas para elegir Lugar de Miembro de Concilio 2 y Lugar de Miembro de Concilio 4. El alcalde Attaway que provisional apoyó el movimiento y el movimiento llevó unánimemente.*

**ITEM 14. CONSIDER AND ACT ON APPROVING NOTICE OF GENERAL ELECTION FOR MAY 8, 2010.**

*Considere y Actúe sobre Aprobando Nota de Elección General para el 8 de Mayo de 2010.*

Council Member Mayer made the motion to approve Notice of General Election for May 8, 2010. Council Member Abrego seconded the motion and the motion carried unanimously.

*El Miembro del concilio Mayer hizo el movimiento para aprobar Nota de Elección general para el 8 de mayo de 2010. El Miembro del concilio Abrego apoyó el movimiento y el movimiento llevó unánimemente.*

**ITEM 15. CONSIDER AND ACT ON ADOPTING ORDINANCE 2010 – 3967 - AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS PROVIDING DATE AND TIME OF THE 2010 CITY GENERAL/SPECIAL ELECTION TO BE CONDUCTED BY THE SAN PATRICIO COUNTY ELECTION ADMINISTRATION OFFICE; FOR EARLY VOTES CAST ON DIRECT RECORDING ELECTRONIC (DRE) VOTING SYSTEM AND BY PAPER BALLOT, PROVIDING PLACE AND PRECINCT NUMBER WHERE ELECTION IS TO BE HELD, PROVING THE RATE OF PAY PER HOUR FOR JUDGES AND CLERKS, AND PROVIDING DATE AND TIME OF EARLY VOTING.**

*Considere y Actúe sobre Adoptar Ordenanza 2010 – 3967 – Una Ordenanza de la ciudad de Aransas Pass, Texas, suministrando la fecha y la hora de la Elección General/Especial 2010 de la ciudad, para ser realizada por la Oficina de la Administración de Elección del Condado de San Patricio; para el lanzamiento de Votos Tempranos, en cuando a Registro Directo Electrónico, Sistema de Votar y por balota de papel; Suministrando lugar y número de Recinto donde la Elección a de ser tenido. Suministrando el sueldo por hora para Jueces y oficinistas, y suministrando la fecha y la hora de Votación Temprana.*

Mayor Pro Tem Attaway made the motion to Adopt Ordinance 2010 – 3967 - an Ordinance of the City of Aransas Pass, Texas Providing date and time of the 2010 City General/Special Election to be conducted by the San Patricio County Election Administration Office; for Early Votes cast on Direct Recording Electronic (DRE) Voting System and by paper ballot, Providing Place and Precinct Number where Election is to be held, Providing the rate of pay per hour for Judges and Clerks, and Providing date and time of Early Voting. Council Member Hyatt seconded the motion and the motion carried unanimously.

*El alcalde Attaway que provisional hizo el movimiento para Adoptar Ordenanza 2010 – 3967 - una Ordenanza de la Ciudad del Paso de Aransas, Tejas que Proporciona la fecha y el tiempo de la 2010 Elección de General/Especial de Ciudad para ser realizado por la San Oficina de la Administración de Elección de Condado de Patricio; para Votos Tempranos lanzó en la Grabación Directa Electrónica (DRE) Votando Sistema y por votación de papel, Proporcionando Lugar y Zona Número donde Elección es de ser tenido, Demostrando El sueldo por hora para Jueces y Empleados, y para Proporcionar la fecha y el tiempo de Votar Temprano. El Miembro del concilio Hyatt apoyó el movimiento y el movimiento llevó unánimemente.*

**ITEM 16. CONSIDER AND ACT ON CALLING AND APPROVING ORDER OF THE SPECIAL ELECTION FOR THE CITY OF ARANSAS PASS TO ADOPT THE FOLLOWING CHARTER AMENDMENT:**

**ARTICLE III, MUNICIPAL JUDGE, SECTION 15(B), - OF THE CHARTER OF ARANSAS PASS, SHALL BE AMENDED TO READ AS FOLLOWS:**

“The Judge of said court shall be appointed by the City Council, shall hold his office at the pleasure of the City Council, shall receive such salary as may be fixed by ordinance of the City Council, and shall meet all qualifications or requirements as may be mandated by the laws of the State of Texas.”

*Considere y Actúe sobre el Llamamiento y Aprobar que Orden de la Elección Especial para la Ciudad del Paso de Aransas para adoptar la Enmienda siguiente de Fletamento*

*El artículo III, Juez Municipal, la Sección 15(b), - del Fletamento de Paso de Aransas, será enmendado para leer de la siguiente manera:*

*“El Juez de dijo que el tribunal será designado por el Ayuntamiento, tendrá su oficina en el placer del Ayuntamiento, recibirá tal salario como puede ser fijada por la ordenanza del Ayuntamiento, y encontrará todos requisitos o los requisitos pueden ser puestos bajo el mandato como por las leyes del Estado de Tejas.”*

Mayor Pro Tem Attaway made the motion to Call and Approve the Order of the Special Election for the City of Aransas Pass to adopt the following Charter Amendment:

Article III, Municipal Judge, Section 15(b), - of the Charter of Aransas Pass, shall be amended to read as follows:

“The Judge of said court shall be appointed by the City Council, shall hold his office at the pleasure of the City Council, shall receive such salary as may be fixed by ordinance of the City Council, and shall meet all qualifications or requirements as may be mandated by the laws of the State of Texas.” Council Member Mayer seconded the motion and the motion carried unanimously.

*El alcalde Attaway que provisional hizo el movimiento para Llamar y Aprobar la Orden de la Elección Especial para la Ciudad del Paso de Aransas para adoptar la Enmienda siguiente de Fletamento:*

*El artículo III, Juez Municipal, la Sección 15(b), - del Fletamento de Paso de Aransas, será enmendado para leer de la siguiente manera:*

*“El Juez de dijo que el tribunal será designado por el Ayuntamiento, tendrá su oficina en el placer del Ayuntamiento, recibirá tal salario como puede ser fijada por la ordenanza del Ayuntamiento, y encontrará todos requisitos o los requisitos pueden ser puestos bajo el mandato como por las leyes del Estado de Tejas.” El Miembro del concilio Mayer apoyó el movimiento y el movimiento llevó unánimemente.*

**ITEM 17. CONSIDER AND ACT ON APPROVING NOTICE OF SPECIAL ELECTION FOR MAY 8, 2010.**

Considere y Actúe sobre Aprobar *Aprobando Nota de Elección Especial para el 8 de Mayo de 2010.*

Council Member Mayer made the motion to approve Notice of Special Election for May 8, 2010. Council Member Abrego seconded the motion and the motion carried unanimously.

*El Miembro del concilio Mayer hizo el movimiento para aprobar Nota de Elección Especial para el 8 de mayo de 2010. El Miembro del concilio Abrego apoyó el movimiento y el movimiento llevó unánimemente.*

**ITEM 18. CONSIDER AND ACT ON ADOPTING ORDINANCE 2010 – 3968 - AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS PROVIDING DATE AND TIME OF THE 2010 CITY SPECIAL ELECTION TO BE CONDUCTED BY THE SAN PATRICIO COUNTY ELECTION ADMINISTRATION OFFICE; FOR EARLY VOTES CAST ON DIRECT RECORDING ELECTRONIC (DRE) VOTING SYSTEM AND BY PAPER BALLOT, PROVIDING PLACE AND PRECINCT NUMBER WHERE ELECTION IS TO BE HELD, PROVING THE RATE OF PAY PER HOUR FOR JUDGES AND CLERKS, AND PROVIDING DATE AND TIME OF EARLY VOTING.**

Considere y Actúe sobre Adoptar *Ordenanza 2010 – 3968 - Ordenanza an de la Aransas Pass, Texas, que Proporciona la fecha y el tiempo de la 2009 Elección Especial de la Ciudad para ser realizado por la San Oficina de la Administración de Elección de Condado de Patricio; para Votos Tempranos lanzó a Dirigir que Registra Electrónico (DRE) Votando Sistema y por votación de papel, Proporcionando Lugar y Zona Número donde Elección es de ser tenido, Demostrando el sueldo por hora para Jueces y Empleados, Y Proporcionar la fecha y el tiempo de Votar Temprano.*

Mayor Pro Tem Attaway made the motion to Adopt Ordinance 2010 – 3968 - an Ordinance of the City of Aransas Pass, Texas Providing date and time of the 2010 City Special Election to be conducted by the San Patricio County Election Administration Office; for Early Votes cast on Direct Recording Electronic (DRE) Voting System and by paper ballot, Providing Place and Precinct Number where Election is to be held, Proving the rate of pay per hour for Judges and Clerks, and Providing date and time of Early Voting.

*El alcalde Attaway a que provisional hizo el movimiento Ordenanza 2010 – 3968 - Ordenanza an de la Aransas Pass, Texas, que Proporciona la fecha y el tiempo de la 2009 Elección Especial de la Ciudad para ser realizado por la San Oficina de la Administración de Elección de Condado de Patricio; para Votos Tempranos lanzó a Dirigir que Registra Electrónico (DRE) Votando Sistema y por votación de papel, Proporcionando Lugar y Zona Número donde Elección es de ser tenido, Demostrando el sueldo por hora para Jueces y Empleados, Y Proporcionar la fecha y el tiempo de Votar Temprano.*

**ITEM 19. CITIZEN'S COMMENTS.**

Hope Comingore discussed the APMDD paying for dumpsters used for the demolition of two houses on Lott Street.

Jennifer Thomas discussed the repaving of Wheeler Street by TxDOT, trash left from fireworks, trash bags and trash cans on Highway 361 not being emptied, and Nueces County's plans to expand Lighthouse Lakes Kayak Trails.

**ITEM 20. ADJOURNMENT OF MEETING.**

Mayor Pro Tem Attaway made the motion to adjourn the meeting. Council Member Mayer seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 7:40 p.m.

ATTEST:

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Tommy Knight, Mayor

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Ada Owens, City Secretary